

ADMINISTRATIVE-INTERNAL USE ONLY

1 JUL 1976

MEMORANDUM FOR: General Counsel

ATTENTION : [REDACTED] STATINTL
FROM : Robert W. Gambino
Director of Security
VIA : Deputy Director for Administration
SUBJECT : Proposed Revision of EO 10450

1. Reference is made to my memorandum of 19 May 1976 and to the proposed draft revision of EO 10450 dated 24 June 1976, which was recently forwarded to this office by Mr. [REDACTED]

2. The draft of 24 June 1976 contains all of the objectionable provisions that are set forth in my memorandum of 19 May 1976, which was sent to the General Counsel. However, in addition thereto, the draft contains several changes which would impact heavily upon the Agency and the entire Government. The current draft now requires a full field investigation "with particular emphasis on the most recent five (5) year period." Coverage for references and employment have been reduced from ten (10) years to the last five (5) years. Neighborhood coverage has been reduced to the last three (3) years. The investigative coverage is thereby reduced to the scope that the Civil Service Commission has been following since 1968 and to the reduced scope just implemented by DOD. There is a provision in the language which indicates that special coverage may be requested by the head of a department or agency and will be authorized as approved by the Civil Service Commission. Other than the foregoing, there

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is no language that would authorize a more extensive scope to meet DCID 1/14 requirements or for Special Background Investigations for access to DOD sensitive information like SIOP-ESI.

3. In addition to the foregoing, the new draft provides that any investigation completed with favorable results, which has been conducted in accordance with the foregoing scope, shall be accepted as meeting investigative requirements for any position of trust even though a more extensive scope had been authorized for such position by the Civil Service Commission, provided that the individual concerned has been continuously employed in any Position of Special Trust for five (5) years or more.

4. A change was also made in the requirements in field coverage in the reinvestigation program. It is believed that the new language has the effect and will be interpreted as removing the discretionary requirement for a field investigation every five (5) years, where there is an absence of "potentially disqualifying suitability information." In such cases, the maximum reinvestigation would consist of obtaining an updated PHS and a limited National Agency Check.

5. In addition to the problems outlined above, and in my referenced memorandum that may or may not be included in the exemption provided for the Agency as set forth in Section 3(b), the new draft has created another problem for the Agency in that this Office will not be able to accept security clearance certifications from other government agencies for access to Agency information based on the proposed reduced security standards. We are now able to grant reciprocity in most cases to other agencies based on the fact that their investigations and clearances have been based on the same standard utilized by the Agency. This will no longer be the case if this draft is accepted. The resultant delays and costs both in terms of manpower and money would be unacceptable.

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6. I, therefore, believe that it is absolutely imperative that the Office of General Counsel proceed with plans to have the DCI intercede in this matter because of the serious consequences that would result from the lowering of the proposed investigative standards throughout the government.

7. In conclusion, I still feel that the exemption granted to this Agency, as written, may include many of the matters that we now find objectionable. Nevertheless, I feel that we should not assume the risk of a contrary interpretation, and therefore, that we should also attempt to obtain a complete and express exemption for the Agency covering those matters as cited in my earlier memorandum.

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[Redacted]
Robert W. Gambino

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